**Section 1326.220 Records that Will Be Withheld from Disclosure**

In response to a request submitted pursuant to FOIA, the Department will not disclose certain records as provided in this Section. Records covered under this Section include, but are not limited to:

a) All Divisions:

1) Medical or health related records that may be used as evidence in an administrative proceeding. (See Section 7(1)(b) and (c) of FOIA).

2) Physical or mental examinations ordered by the Department. (See Section 7(1)(b) and (c) of FOIA.)

3) Materials created or received by the Division related to settlement conferences or negotiations. (See Section 7(1)(f) of FOIA.)

b) Division of Professional Regulation and Division of Real Estate:

1) Complaints received by the Department against licensees or unlicensed persons or entities, except as provided by statute. (See Section 7(1)(a) of FOIA, 20 ILCS 2105/2105-117.)

2) Mandatory reports received by the Division concerning a licensee. (See Section 7(1)(a) of FOIA and 20 ILCS 2105/2105-117.)

3) Investigative files maintained by the Division. (See Section 7(1)(a) of FOIA and 20 ILCS 2105/2105-117.)

4) Probation files and reports. (See Section 7(1)(a) of FOIA and 20 ILCS 2105/2105-117.)

5) Care, Counseling, and Treatment Agreements. (See Section 7(1)(b) and (c) of FOIA.)

6) Nondisciplinary Orders and associated fees. (See Section 7(1)(a) of FOIA and 20 ILCS 2105/2105‑117.)

7) Supervision Orders. (See Section 7(1)(a) of FOIA and 20 ILCS 2105/2105-117.)

8) Internal case management documents. (See Section 7(1)(a) of FOIA and 20 ILCS 2105/2105-117.)

9) Case closure memoranda. (See Section 7(1)(a) of FOIA and 20 ILCS 2105/2105‑117.)

10) Vacated orders. (See Section 7(1)(a) of FOIA and 20 ILCS 2105/2105-117.)

11) Sealed discipline and orders. (See Section 7(1)(a) of FOIA and 20 ILCS 2105/2105/207.)

12) Withdrawn Formal Complaints (See Section 7(1)(a) of FOIA and 20 ILCS 2105/2105-117.)

c) Division of Financial Institutions:

1) Information or documents obtained by employees of the Department in the course of any examination, audit, visit, registration, certification, review, licensing, or investigation. (See Section 7(1)(a) of OFIA and 38 Ill. Adm. Code 200.280.)

2) Information contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of the Division for the regulation of financial institutions. (See Section 7(1)(t) of FOIA).

d) Division of Banking:

1) Confidential supervisory information. (See Section 7(1)(a) of FOIA and 205 ILS 635/1-4(ii))

2) Information contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of the Department for the regulation or supervision of financial institutions. (See Section 7(1)(t) of FOIA).

(Source: Amended at 43 Ill. Reg. 14647, effective December 20, 2019)